



08-02-05

~~1748~~

THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket Number 12077US06

In The Application Of:

Richard L. Pressley and
Jeffrey D. Williamson

Serial No.: 10/822,550

Continuation of Serial
No. 09/763,676

U.S. Filing Date:
April 12, 2004

Title: PROCESS AND APPARATUS
FOR TREATING BIOSOLIDS
FROM WASTEWATER
TREATMENT

Examiner: To be assigned

Group Art Unit: To be assigned

Express Mailing Label No.:
EV 639809395 US

Date: August 1, 2005

**PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION**

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this Petition and Response to the Notice of Omitted Item(s) in a Nonprovisional Application, which was mailed on June 1, 2005 ("the Notice"). This petition is timely as the Notice provided two months for its submission, making

08/03/2005 JBALINAN 00000011 130017 10822550

01 FC:1464

130.00 DA

this petition due on August 1, 2005. A copy of the Notice is attached as Exhibit A.

Applicants request that Figure 6 (attached as Exhibit B) be included in the present application.

The Notice stated that a filing date had been according to the present application, but that Figure 6 appeared to have been omitted from the application.

Applicants submit that the present application includes Figure 6 because the present application incorporates by reference a prior parent application (Serial No. 09/763,676) that included Figure 6. More particularly, the transmittal letter filed with the present application on April 12, 2004 (attached hereto as Exhibit C) including the following paragraph:

For CONTINUATION OR DIVISIONAL APPS only: **The entire disclosure of the prior application**, from which an oath or declaration is supplied under Box 5b, **is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.** The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

(emphasis in bold added). It is indisputable that the prior parent application (Serial No. 09/763,676) included Figure 6.

The parent application issued as U.S. Patent No. 6,719,903, and that patent includes Figure 6 (See Exhibit D).

If Figure 6 was omitted from the present application filed on April 12, 2004, such omission was inadvertent, as evidenced by the application's references to Figure 6 at page 18, lines 1-2 and page 25, lines 21-32.

The petition fee under 37 CFR 1.17(f) may be charged to Deposit Account No. 13-0017. Applicants request a refund of any petition fee charged, in view of the facts set forth above.

Please charge any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: August 1, 2005

By:

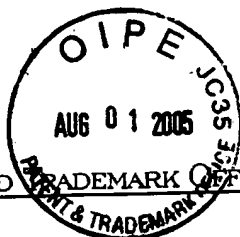


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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/822,550	04/12/2004	Richard L. Pressley	12077US06

CONFIRMATION NO. 1797

23446
 MCANDREWS HELD & MALLOY, LTD
 500 WEST MADISON STREET
 SUITE 3400
 CHICAGO, IL 60661

RESPONSE DUE: FORMALITIES LETTER
 AUG 12 2005



Date Mailed: 06/01/2005

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 6 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

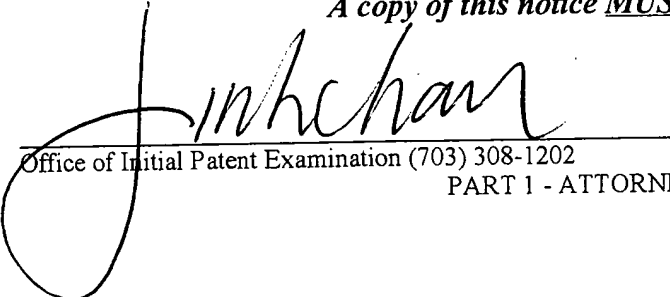
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

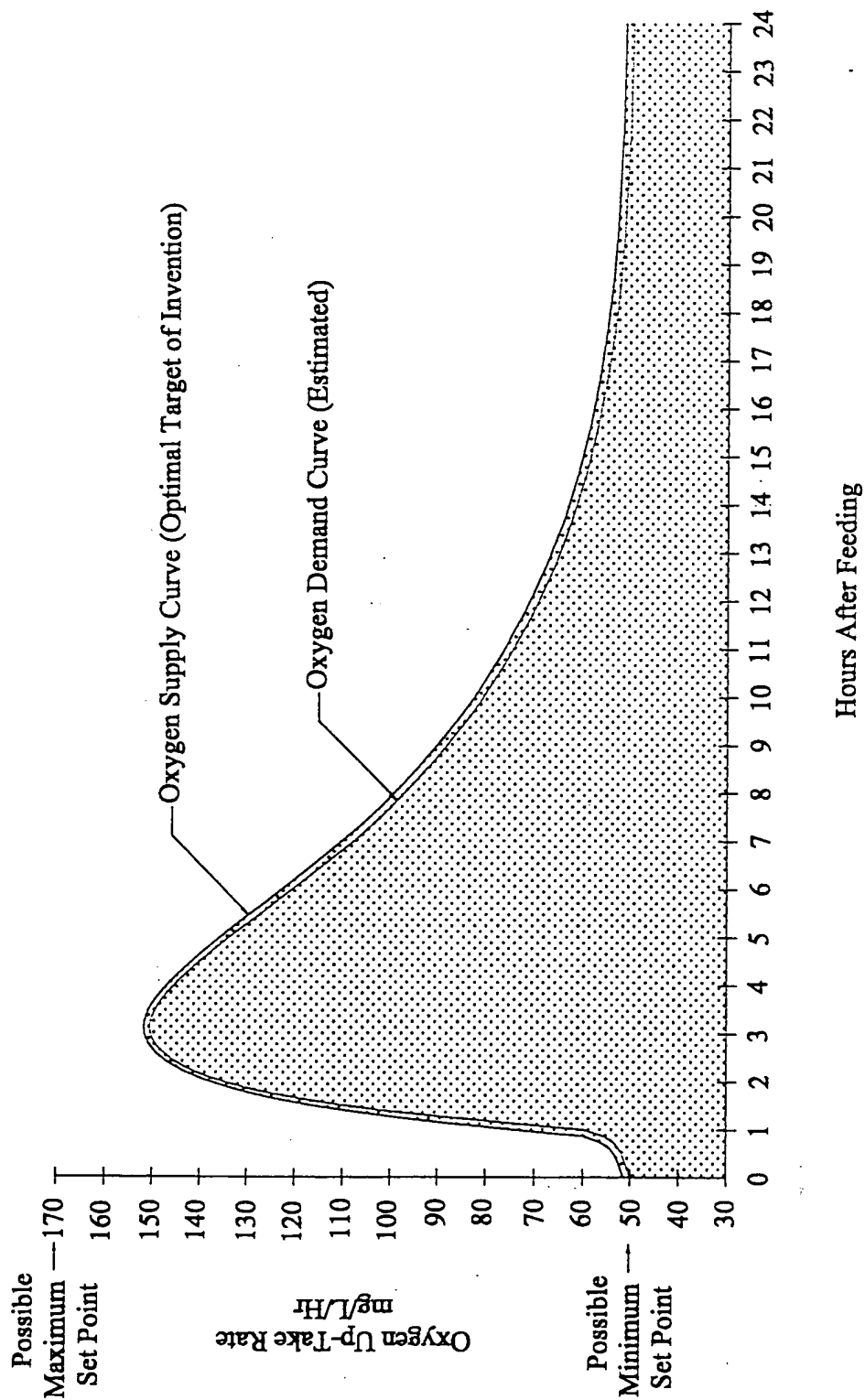
*A copy of this notice **MUST** be returned with the reply.*


Office of Initial Patent Examination (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

ExhB

FIGURE 6
Approximation of the Estimated
Oxygen Demand in an Aerobic
Treatment of Bio-Solids



AUG 01 2005

PTO/SB/05 (06-08)

Approved for use through 07/31/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	12077US06
First Inventor	Richard L. Pressley
Title	Process and Apparatus for Treating Biosolids from Wastewater Treatment
Express Mail Label No.	EV 303831031 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 41]
(preferred arrangement set forth below)
-Descriptive title of the invention
-Cross Reference to Related Applications
-Statement Regarding Fed sponsored R&D
-Reference to sequence listing, a table, or a computer program listing appendix
-Background of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claim(s)
-Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath or Declaration [Total Sheets 6]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ Paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)
(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/763,676

Prior application information:

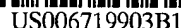
Examiner: C. UptonArt Unit: 1724

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 23446 OR ☐ Correspondence address below

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Name (Print/type)	Michael B. Harlin	Registration No. (Attorney/Agent)	43,658		
Signature	<i>Michael B Harlin</i>	Date	April 12, 2004		



(Exh. 2)

(10) **Patent No.:** US 6,719,903 B1
(45) **Date of Patent:** Apr. 13, 2004

- | | | | |
|-------------|--------|-----------------------|---------|
| 4,166,790 A | 9/1979 | Zlokarnik et al. | 210/15 |
| 4,207,180 A | 6/1980 | Chang | 210/7 |
| 4,246,099 A | 1/1981 | Gould et al. | 210/603 |
| 4,276,174 A | 6/1981 | Breider et al. | 210/613 |
| 4,277,342 A | 7/1981 | Hayes et al. | 210/609 |
| 4,440,645 A | 4/1984 | Kite | 210/626 |
| 4,587,019 A | 5/1986 | Wolinski | 210/608 |
| 4,690,764 A | 9/1987 | Okumura et al. | 210/629 |
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| 4,983,298 A | 1/1991 | Fuchs et al. | 210/613 |
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| 5,207,912 A | 5/1993 | Winter et al. | 210/604 |
| 5,275,733 A | 1/1994 | Burnham | 210/609 |
| 5,277,814 A | 1/1994 | Winter et al. | 210/604 |

(List continued on next page.)

(21) Appl. No.: 09/763,676

(22) PCT Filed: **Jun. 30, 2000**

FOREIGN PATENT DOCUMENTS

(86) PCT No.: **PCT/US00/18327**

WO WO 95/13990 5/1995

§ 371 (c)(1),

OTHER PUBLICATIONS

(2), (4) Date: **Apr. 30, 2001**

(87) PCT Pub. No.: **WO01/02308**

PCT Pub. Date: Jan. 11, 2001

Related U.S. Application Data

Steel & Mcghee Water Supply and Sewerage pp. 504-513, 1979.*

Engineering Tomorrow's Effluent Treatment Solutions
Today, MTS Mass Transfer Systems, Inc.

MTS Cyclo-Jet™ Floating Self-Aspirating Aerator, Waterlink Mass Transfer Systems, 1997 Waterlink, Inc.

(List continued on next page.)

Primary Examiner—Christopher Upton

(74) *Attorney, Agent, or Firm*—McAndrews, Held & Malloy, Ltd.

ABSTRACT

A process and apparatus for treating biosolids from biological wastewater treatment. The temperature of autothermal aerobic treatment of biosolids is controlled by sensing the oxidation/reduction potential of the solution and adjusting the amount of oxygen or biosolids supplied to the solution through a jet aerator (1) having a liquid header (3) for the recirculation of the solution and an air header (5).

References Cited

U.S. PATENT DOCUMENTS

3,342,727	A	*	9/1967	Bringle	210/614
3,959,125	A		5/1976	Teletzke	210/10
4,132,638	A		1/1979	Carlsson	210/7

6 Claims, 6 Drawing Sheets

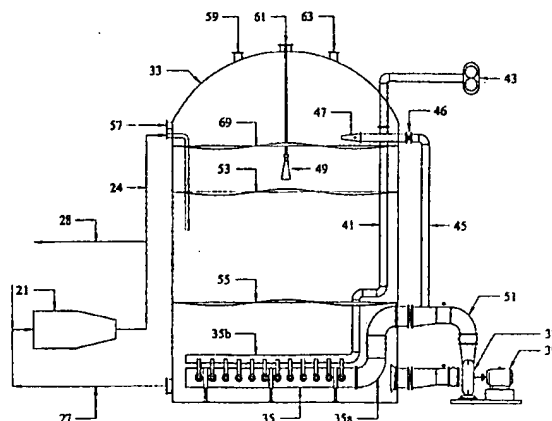


FIG. 6

